

prospective users of the CEI offering can use those facilities and services for testing their enhanced service offerings.¹²⁴

54. GTE states that CEI has been and will be operational on the same date that GTE offers its enhanced service.¹²⁵ GTE further alleges that the requirement to provide a reasonable testing period is satisfied because all underlying BSAs are available today, and that any new BSAs that will be used by GTE's enhanced services will be available for 90 days, to provide affiliates and nonaffiliates an opportunity to test the service before the service is offered to the public.¹²⁶ GTE asserts that affiliated ESPs will not obtain the service before it is available to unaffiliated ESPs under tariff. We find that GTE has proposed to make CEI offerings available in compliance with Commission requirements. Accordingly, we approve this aspect of GTE's ONA Plan.

H. Minimization of Transport Costs

55. This parameter requires carriers subject to CEI requirements to provide competitors with interconnection facilities that minimize transport costs.¹²⁷

56. GTE asserts that while it does not permit ESPs to collocate their equipment physically in the GTE central office, it minimizes transport costs by offering price parity.¹²⁸ GTE asserts that where access line rates are distance sensitive, GTE will charge its affiliated ESP the same tariffed rate that other ESPs would pay if located two miles from the central office. Where access line rates are not distance sensitive, GTE will charge its ESP the same tariffed rates that other ESPs would pay if located within that service area.¹²⁹ GTE states that its proposal ensures absolute price parity will be maintained, regardless of whether a GTE-affiliated enhanced service operation is physically collocated.¹³⁰ GTE also states that its existing tariffs offer multiplexing services that may be used by competing ESPs to minimize their transportation costs.

¹²⁴ Id.

¹²⁵ GTE June 7, 1995 Ex Parte Filing, Att. A at 14.

¹²⁶ Id.

¹²⁷ Phase I Order, 104 FCC 2d at 1042, para. 164.

¹²⁸ GTE June 7, 1995 Ex Parte Filing, Att. A at 16-17.

¹²⁹ Id. at 16.

¹³⁰ Id.

57. The Commission does not require LECs to provide physical collocation for ONA.¹³¹ The Commission has upheld the use of price parity by the BOCs to satisfy their obligation to minimize transmission costs, and specifically has found two miles to be a reasonable minimum distance for price parity associated with a distance-sensitive banded tariff.¹³² We find that GTE has proposed to minimize transport costs in compliance with Commission requirements. Accordingly, we approve this aspect of GTE's ONA Plan.

I. Recipients of CEI

58. This parameter prohibits carriers subject to CEI requirements from restricting the availability of CEI offerings to any particular class of customer or enhanced service competitor.¹³³

59. GTE maintains that it will not restrict to any class of customer the availability of BSEs listed in Section III.b.2 of its January 4, 1995 Filing.¹³⁴ BSEs and their corresponding BSAs will therefore be available to any customer for any use, subject to applicable tariff terms and conditions. We find GTE has proposed to provide service to CEI recipients in compliance with the Commission requirements. Accordingly, we approve this aspect of GTE's Plan.

VIII. OTHER NONDISCRIMINATION SAFEGUARDS

A. Nondiscrimination in Installation and Maintenance

60. As noted above, ONA and CEI requirements prohibit BOCs from discriminating between affiliated and unaffiliated ESPs. This restriction, among other things, bans a BOC from discriminating in

¹³¹ Phase I Order, 104 FCC 2d at 1037, para. 151. In another context, the Court of Appeals for the District of Columbia has held that the Commission lacks authority to require physical collocation. Bell Atlantic Telephone Companies v. FCC, 24 F.3d 1441 (D.C. Cir. 1994). But see Expanded Interconnection With Local Telephone Company Facilities, 9 FCC Rcd 5154 (1994) (requiring LECs to provide expanded interconnection through virtual collocation, except where they voluntarily choose to offer physical collocation under Title II regulation).

¹³² BOC ONA Order, 4 FCC Rcd at 86-98, paras. 166-72. See also BOC ONA Amendment Order, 5 FCC Rcd at 3110, paras. 60-66.

¹³³ Phase I Order, 102 FCC 2d at 1042, para. 165.

¹³⁴ GTE June 7, 1995 Ex Parte Filing, Att. A at 18.

the provision of installation, maintenance and repair services.¹³⁵ The Commission required BOCs to describe in detail in their ONA plans the procedures they would employ to ensure that they would not discriminate in their provision of ONA services to unaffiliated ESPs and their customers.¹³⁶ In addition, the Commission requires BOCs to file (1) an annual affidavit stating that they do not engage in such discrimination, and (2) quarterly installation and maintenance reports.¹³⁷ The Commission has delineated 49 service categories for which BOCs should report installation and maintenance activities.¹³⁸

61. GTE states that it assigns available circuits on a "first come-first served basis" through mechanized procedures that are not affected by whether a particular customer is an affiliated or unaffiliated ESP. GTE asserts that its circuit assignment systems do not contain information about a customer's identity. GTE further pledges to "make no effort during the actual facilities and equipment assignment process to determine whether a particular ordering customer is an ESP."¹³⁹ GTE states that its systems do not consider the way in which its customers will use the facilities and equipment, and that its testing procedures "are not set up to provide, and generally do not contain, any information related to the relative quality of available facilities and equipment."¹⁴⁰

62. GTE states that ESPs use the same channels and centers as all other customers in ordering service. It claims that the manner in which it processes orders is identical for all similarly situated customers, without regard to business affiliation.¹⁴¹ GTE represents that BSAs, BSEs, and CNSs will be made available to all prospective customers in a nondiscriminatory manner. GTE states that it uses the customer's name and address only to facilitate necessary maintenance and billing functions. GTE claims that it does not ask ESPs to identify themselves as such during the ordering process, and that no special identification will be added

¹³⁵ Phase I Order, 104 FCC 2d at 1041, para. 161.

¹³⁶ Phase II Order, 2 FCC Rcd at 3084, paras. 88-89. See GTE ONA Plan, at 4949, paras. 54-55.

¹³⁷ GTE ONA Order, 9 FCC Rcd at 4950, para. 59.

¹³⁸ BOC ONA Recon. Order, 5 FCC Rcd at 3096, Appendix B.

¹³⁹ GTE June 7, 1995 Ex Parte Filing, Att. A at 5, 30.

¹⁴⁰ Id.

¹⁴¹ Id. at 5-6.

to their records if they choose to indicate their line of business.¹⁴²

63. GTE states that all "requests for service are handled on a 'first come-first served' basis" and that due date intervals are the same for all customers requesting similar types and quantities of service.¹⁴³ GTE acknowledges, however, that when service requests "exceed defined interval parameters," for example, because the request is complex, GTE negotiates a due date directly with the customer.¹⁴⁴

64. GTE explains that orders for designed, or specialized, services are forwarded to a Special Service Control Center ("SSCC"), where the circuit layout is designed and equipment and circuit assignments are made. The work operations in the SSCC are supported by a mechanized system that schedules service installation tasks based on service order due dates, and performs inventory assignment functions and circuit design functions. GTE states that equipment and facility databases do not contain data on the identity of the customer.¹⁴⁵

65. GTE explains that service orders are sent to a Facility Assignment Center or similar organization, supported by the Mechanized Assignment Record Keeping system. GTE states that "[a]ny attempt to discriminate in the engineering of a circuit would require extraordinary manual effort -- among numerous individual employees in diverse locations -- and would result in costly disruption of the provisioning processes because of the bypassing of existing mechanized systems and procedures for circuit design and provisioning."¹⁴⁶ Work priorities are established by due dates. According to GTE, its administrative support systems are designed to prevent individual employees from altering service orders, due dates or circuit-related technical specifications.¹⁴⁷

66. When physical work is required at the customer's premises, the Automated Work Administration System automatically dispatches a field technician to install the service to a network interface. The technician tests the service for operational functionality after the work is completed to ensure that the

¹⁴² Id. at 5.

¹⁴³ Id. at 4, 30.

¹⁴⁴ Id. at 6.

¹⁴⁵ Id. at 7-8.

¹⁴⁶ Id. at 23.

¹⁴⁷ Id. at 9.

tariffed specifications are met. GTE states that the testing parameters are based only on the type of service ordered, and are not associated with the customer's business affiliation.¹⁴⁸

67. All GTE customers report service trouble to the Customer CARE Center. A Customer CARE service attendant first tries to resolve the problem through the use of mechanized systems while speaking with the customer. If those efforts are unsuccessful, GTE states the service attendant will ask the customer for its name, but that the restoration intervals "depend strictly on the circuit type and the outage condition."¹⁴⁹ In the case of nondesigned, or standard, services, the customer is given a standard commitment interval that is based upon the type of trouble reported and the facilities and equipment involved.¹⁵⁰ GTE notes that the trouble record does not distinguish unaffiliated ESPs from any other customer.¹⁵¹ Trouble reports for nondesigned services are placed in a mechanized trouble report tracking system.

68. Trouble records involving designed services are forwarded to the SSCC that is assigned maintenance responsibility for the service. After the trouble is identified, the responsible work groups restore service. According to GTE, priority is given to trouble reports based on Commission-determined restoration requirements. For example, military installations, and known critical services such as hospitals and policy departments have priority; all other trouble records are handled on a 'first-in, first-out' basis.¹⁵²

69. GTE states that both manual and mechanized trouble records for designed and nondesigned services contain the trouble disposition and clearance time. GTE notes the "trouble record serves as the audit trail for documentation of maintenance service quality and performance."¹⁵³

70. GTE states that the employees engaged in network installation and maintenance will receive training on the ONA requirements relating to nondiscriminatory provision of services.

¹⁴⁸ Id.

¹⁴⁹ Id. at 10.

¹⁵⁰ Id. GTE states that it gives priority treatment to customers with complete service outages.

¹⁵¹ Id.

¹⁵² Id. at 10-11.

¹⁵³ Id. at 11.

GTE notes that it "currently advises -- and will continue to advise -- employees involved in the provision of network services or the assignment of circuits that discrimination based upon the origin of a service request, or a customer's business affiliation, is forbidden."¹⁵⁴ GTE states that it will discipline employees who violate that policy. In addition, performance measures that determine employee compensation provide incentives to give all customers quality service.¹⁵⁵ GTE also represents that it will comply with all nondiscrimination reporting requirements applicable to the BOCs.¹⁵⁶ GTE's ONA Plan with respect to these reporting requirements is discussed in Section VI, supra.

71. We find that GTE has shown that its installation procedures largely preclude it from discriminating on the basis of the identity of the ordering customer. GTE states that it handles requests on a 'first come-first served' basis, and that due date intervals are the same for all customers requesting similar service. GTE uses mechanized systems to track the actual installation process, which are programmed in a neutral manner. While the individual negotiation of due dates for complex services interjects a measure of discretion in GTE's installation process, we find that its procedures are sufficiently automated so that discrimination in the timing of installation is unlikely. We note that the Commission-approved BOC ONA Plans also contained individually negotiated installation due dates for specially designed services.¹⁵⁷ We also find that GTE has demonstrated that its maintenance procedures make discrimination highly unlikely. GTE has shown that it assigns repair dates based upon nondiscriminatory criteria, and that it attempts to resolve problems through standardized procedures. While the procedures may vary depending upon the type of service involved, (e.g., designed or nondesigned service), the service intervals are based upon nondiscriminatory criteria.

72. We also find that GTE's provisioning procedures and systems are designed to preclude quality-based discrimination. GTE has demonstrated that it uses mechanized systems to assign equipment and facilities on a "first come-first served' basis that does not take into account the identity of the customer ordering service. Moreover, GTE has shown that its circuit assignment systems do not contain data on the customer's identity. In such circumstances, we find it unlikely that GTE will engage in quality-

¹⁵⁴ Id. at 12-13.

¹⁵⁵ Id. at 9-10.

¹⁵⁶ Id. at 13.

¹⁵⁷ BOC ONA Order, 4 FCC Rcd at 242-43, paras. 467-68.

based discrimination. We also find that GTE's proposal complies with Commission nondiscrimination reporting requirements. Accordingly, we approve this aspect of GTE's ONA Plan, except that we require GTE to provide supplemental information about its installation and maintenance reports, as specified in Section VI, supra.

B. Customer Proprietary Network Information

1. Individual CPNI

73. The Commission's Customer Proprietary Network Information (CPNI) rules restrict a BOC's use of individual CPNI.¹⁵⁸ BOCs are required to describe the types of information they will treat as CPNI, and to explain their procedures for determining which customers have the right to restrict access to particular CPNI.¹⁵⁹ First, for customers with 20 or fewer lines, the BOC must limit access to a customer's CPNI by its marketing personnel that sell enhanced services, if the customer so requests. Second, the BOC must release that CPNI at the customer's request to any ESP designated by the customer, and make that information available on the same terms and conditions as it is made available to its own enhanced service operations. Third, the BOC's enhanced services marketing personnel may not obtain access to the CPNI of any customer with more than 20 access lines without that customer's prior permission. Fourth, the BOC must notify all of its multiline business customers annually of their CPNI options, and include response forms "which fully and fairly inform[] customers of their CPNI rights."¹⁶⁰ Fifth, the BOC is required to accommodate requests for "partial or temporary restriction of CPNI."¹⁶¹ In the GTE ONA Order, the Commission extended to GTE the BOC ONA requirements relating to CPNI.¹⁶² The Commission specifically required GTE to describe in its ONA Plan how it intends to meet the CPNI requirements and to include the CPNI notification letter that it proposes to send to its multiline business customers.¹⁶³

¹⁵⁸ See, e.g., BOC ONA Order, 4 FCC Rcd at 209-34, para. 398-450.

¹⁵⁹ Id.

¹⁶⁰ Id. at 229, para. 440.

¹⁶¹ Id. at 209, para. 399.

¹⁶² GTE ONA Order, 8 FCC Rcd at 4945, para. 45.

¹⁶³ Id.

74. GTE proposes to treat as CPNI "the type of information typically associated with a customer's billing and payment history."¹⁶⁴ This includes information regarding: (1) the type and quantity of regulated services purchased; (2) repair information; (3) traffic studies; (4) usage data; (5) customer calling patterns; and (6) station message detail recording information.¹⁶⁵ GTE will not treat as CPNI information found in telephone directory white pages.

75. GTE asserts that it will instruct employees who are involved in marketing enhanced services that they may not obtain access to CPNI by any means, when the customer has chosen to restrict such information.¹⁶⁶ GTE's employee training will also explain that employees may not assist other employees in obtaining improper access to CPNI, and that employees who violate CPNI restriction procedures are subject to penalties. GTE's employee training will include instruction on all requirements of the GTE ONA Order regarding CPNI.¹⁶⁷ In addition, GTE claims that it will honor customer requests regarding release of CPNI until the customer expressly rescinds the request, and will honor requests to restrict CPNI access that were received before CPNI notices were distributed.¹⁶⁸ GTE also represents that it will honor requests regarding partial or temporary CPNI restrictions from selected accounts of multiple account customers.

76. GTE states that it will release a customer's CPNI to any unaffiliated ESP that the customer has authorized, in writing, to receive the information.¹⁶⁹ GTE asserts that it will make the information available to unaffiliated vendors on the same terms and conditions that it applies to affiliated ESPs.

77. GTE states that, before July 4, 1995, it will train account representatives regarding the different treatment required for business customers with 2 to 20 access lines, and business

¹⁶⁴ GTE June 7, 1995 Ex Parte Filing, Att. A at 19.

¹⁶⁵ Id. at 21.

¹⁶⁶ Id. at 20, 22-23. GTE claims that, at a minimum, it will provide training for all marketing employees and all employees with immediate access to customer records.

¹⁶⁷ Id. at 22.

¹⁶⁸ Id. at 23.

¹⁶⁹ Id. at 22.

customers with more than 20 access lines.¹⁷⁰ After July 4, 1995, GTE states, account representatives that are not involved in marketing enhanced services will handle accounts of customers that have restricted their CPNI.

78. GTE has provided copies of the annual CPNI notification letters that it proposes to send to multiline business customers.¹⁷¹ The notice GTE proposes to send to business customers with more than 20 access lines states that those customers must give written permission before GTE can use their CPNI to market enhanced services. The notice GTE proposes to send to business customers with 2 to 20 lines states that, absent a response to the contrary, CPNI generally will be available for GTE to use in marketing its enhanced services. Both notices include a customer response form. The notices identify the customers' rights with respect to CPNI, and the response forms indicate that a customer may request partial restriction of CPNI.¹⁷²

79. The GTE response forms enable a customer to release specific data fields of account information to non-GTE ESPs. GTE explains that its current record-keeping system does not allow it to restrict information for a particular telephone number on a field-by-field basis for a customer who restricts access to CPNI by

¹⁷⁰ June 7, 1995 Ex Parte Filing at 2. In its June 7 letter, GTE states that its account representatives will be informed that (1) business customers with 2 to 20 lines have the right to restrict access to CPNI by GTE personnel who can market enhanced services, and (2) business customers with more than 20 lines must give prior authorization before their CPNI can be used in the marketing of enhanced services. The Commission has made clear, and has required BOCs to acknowledge explicitly, that the right to restrict access to CPNI applies to all customers, including single line and residential customers. BOC ONA Amendment Order, 5 FCC Rcd at 3119, para. 140. GTE subsequently stated that it "will permit CPNI restriction, from GTE's sales personnel that can market enhanced services, by residential and single line customers upon written request." GTE June 13, 1995 Ex Parte Filing at 2. This is consistent with Commission requirements.

¹⁷¹ June 2, 1995 Ex Parte Filing, Appendix 1.

¹⁷² The initial notices already have been prepared. GTE explains that the next version of its annual notification letters and response forms will be revised, in accordance with a request by Commission staff, to reflect more clearly that customers may request partial disclosure to GTE's enhanced services vendors. GTE June 7, 1995 Ex Parte Filing at 2.

GTE's enhanced services marketing personnel.¹⁷³ For example, GTE's system does not allow an account representative to identify a customer's service options while restricting access to that customer's usage data. Under GTE's existing system, however, a customer with more than one telephone number can restrict access to CPNI for some telephone numbers while permitting access to CPNI for other telephone numbers.¹⁷⁴ GTE alleges that it will need to make "major changes to its current system to allow partial restriction of CPNI information by 'blanking' certain fields of data on the account." GTE plans to provide the capability to access only certain portions of a customer's account (rather than the entire account) by December 1996.¹⁷⁵

80. We find that GTE's ONA Plan satisfies Commission requirements regarding CPNI. The Commission has held that, with minor exceptions, all information about customers' network services and customers' use of those services is CPNI.¹⁷⁶ GTE has defined CPNI in a manner consistent with this broad interpretation. GTE has stated that it will restrict access to CPNI by GTE-affiliated enhanced services marketing representatives and to provide access to CPNI by unaffiliated ESPs in a manner consistent with Commission requirements. GTE also has agreed to accommodate requests for temporary restriction of CPNI. GTE presently has some ability to restrict CPNI partially, and proposes to modify its record-keeping system to enable additional, field-by-field restriction of CPNI by December 1996. Accordingly, we approve this aspect of GTE's ONA Plan.

2. Aggregate CPNI

81. The Commission requires that, if a BOC makes nonproprietary, aggregate CPNI available to its own enhanced service personnel, it must make such information available to competing ESPs on the same terms and conditions.¹⁷⁷ The BOC must

¹⁷³ Id.

¹⁷⁴ Id. In the case of customer records with call-forwarding/forward-to numbers associated with particular ESPs, GTE cannot blank that field, at present. GTE says that, in such cases, it will release such records to GTE-affiliated ESPs in a format (such as paper or magnetic tape) so that the forward-to number can be deleted before distributing the records. Id., Attachment A at 23.

¹⁷⁵ Id. at 2-3.

¹⁷⁶ BOC ONA Amendment Order, 5 FCC Rcd at 3117, para. 125.

¹⁷⁷ BOC ONA Order, 4 FCC Rcd at 209, para. 398.

explain how it will notify ESPs that aggregate CPNI is available.¹⁷⁸ The Commission extended these requirements to GTE.¹⁷⁹

82. GTE asserts that any aggregate nonproprietary CPNI it makes available to affiliated ESPs will be available on the same terms and conditions to unaffiliated ESPs.¹⁸⁰ GTE states that it will use appropriate means, such as newsletters, seminars, and individual contacts, to advise ESPs about any such information that is available. GTE proposes to make available to all ESPs basic network information, through a report that will be updated semi-annually.¹⁸¹ Notice of the report will be included in company newsletters. GTE does not plan to release other nonproprietary aggregate information, but states that, if it does, it will notify ESPs of available aggregated CPNI through company newsletters. We find that GTE's proposal regarding aggregate CPNI is consistent with Commission requirements. Accordingly, we approve this aspect of GTE's ONA Plan.

3. Password Identification System Requirements

83. The Commission has stated that a password/identification (password ID) system is the preferred method for restricting CPNI access for enhanced services, and should be used absent a specific showing that it would be unduly burdensome to do so.¹⁸² The BOC must implement password ID systems for "all primary databases that are routinely accessed by [the BOC's] enhanced services marketing personnel and contain comprehensive restricted CPNI."¹⁸³ The Commission does not require BOCs to implement password ID systems for auxiliary databases that contain fragmented CPNI and that are

¹⁷⁸ Id. at 234, para. 450.

¹⁷⁹ GTE ONA Order at 4945, para. 45.

¹⁸⁰ GTE June 7, 1995 Ex Parte Filing, Att. A at 24.

¹⁸¹ Id.

¹⁸² BOC ONA Order, 4 FCC Rcd at 223, para. 428. The Commission does permit a BOC "to implement an alternative system to the extent that it demonstrates that a password/ID system is not feasible in particular end offices or for particular data bases." Id. at 223-24, para. 430. For example, the Commission has suggested that, at least as an interim approach before a password ID system is operational, one alternative would be to deny enhanced services personnel access to files containing CPNI, but to provide such personnel with unrestricted CPNI through another method, such as hard copy or magnetic tape. Id. at 224, para. 430 n. 1045.

¹⁸³ BOC ONA Amendment Order, 5 FCC Rcd at 3119, para. 137.

not routinely accessed by enhanced services marketing personnel.¹⁸⁴ The Commission, however, requires the BOC to state, for each database that contains CPNI and that does not have password ID protection, the following: (a) database name; (b) database purpose; (c) accessibility and frequency of use by enhanced services marketing personnel; (d) types and amount of CPNI; (e) method of access restriction; and (f) justification for not imposing password ID restrictions.¹⁸⁵ In the GTE ONA Order, the Commission required GTE to implement password ID systems by April 4, 1996.¹⁸⁶

84. GTE alleges that by April 4, 1996, it will implement a password ID system that will limit access to records that customers have chosen to restrict from GTE-affiliated ESPs. Under the password ID system, those records will only be accessible to GTE service representatives who possess the appropriate password ID clearance and are designated to handle the basic service needs of such customers.¹⁸⁷ GTE asserts that it will implement password protection "to ensure that GTE's primary data bases do not permit disclosure of customer restricted CPNI to GTE personnel engaged in the sale of enhanced services."¹⁸⁸

85. GTE asserts that numerous other databases and OSSs contain CPNI, but are not accessible to enhanced services marketing and sales personnel. GTE asserts that these will not be protected by a password ID system. GTE asserts that these systems are not designed for marketing and sales support, would be cumbersome to use, and contain only fragmented CPNI. In addition, according to GTE, all marketing and sales personnel will be informed of the

¹⁸⁴ Id. at para. 136.

¹⁸⁵ Id. at para. 137.

¹⁸⁶ GTE ONA Order, 9 FCC Rcd at 4945, para. 45 n.97.

¹⁸⁷ GTE June 7, 1995 Ex Parte Filing, Att. A at 22.

¹⁸⁸ Id. at 25. GTE identifies the "primary databases" as the Service Order Records Computer Entry System (SORCES), Service Order Load And Retrieval (SOLAR), and Customer Marketing and Service System (CMSS). Those three databases are used for account management and sales support. GTE says that other databases that contain CPNI are not utilized by sales representatives, but rather "are used primarily for market analysis and to support on time sales campaigns." GTE says that it has no plans to implement a password ID system for these databases. Id. at 25-26. GTE claims that, instead, depending on the database, it will either deny access to enhanced services marketing and sales organizations, or it will remove all CPNI from the database.

Commission's CPNI rules and GTE's system restrictions, and will be advised that noncompliance may result in penalties. GTE states that selected business and customer service/sales representatives do have access to certain OSSs that contain fragmented CPNI. These services, however, were designed for specific, non-sales purposes. For example, service representatives may use these systems to detect fraud or to verify customer address information. GTE asserts that these systems have "limited utility" for account management or sales purposes.¹⁸⁹ GTE lists the databases that contain CPNI but for which it does not propose to apply password ID protection.¹⁹⁰ It also provides a chart showing the data base, its purpose, the type of CPNI it contains, and the method of restricting access.¹⁹¹

86. GTE represents that it will implement password ID protection for three databases that are regularly accessed by enhanced services marketing personnel for marketing, billing and service order processing purposes. GTE also lists numerous other databases for which it does not propose to apply password ID protection. For those databases, GTE provides the name and a brief explanation of the basis for its determination that such protection is not required under the Commission's rules, the purpose of the database, and the type and amount of CPNI the databases contain. For each such database, GTE explains that password ID protection is not required by the Commission, because the database (1) is not regularly accessed by sales or marketing personnel; (2) contains only fragmented CPNI and is not easily used for marketing purposes; or (3) is used in provisioning and maintaining the network.¹⁹² We find that GTE has demonstrated that it will comply with Commission requirements regarding password ID protection of its files and databases containing CPNI. GTE represents that it will implement its password ID system by April 6, 1996, as required by the GTE ONA Order. Accordingly, we approve this aspect of GTE's ONA Plan.

C. Network Information Disclosure

87. Under the network disclosure rules, a carrier must disclose the relevant network information (1) to a ESP at the "make/buy point," subject to and within 30 days of the ESP's

¹⁸⁹ Id. at 27.

¹⁹⁰ GTE June 7, 1995 Ex Parte Filing at 4-5.

¹⁹¹ GTE May 30, 1995 Ex Parte Filing, Attachment A.

¹⁹² BOC Second Further Amendment Order, 8 FCC Rcd at 2611.

execution of a nondisclosure agreement,¹⁹³ and (2) to the public twelve months before the new or modified network service is introduced.¹⁹⁴

88. GTE asserts that it will comply with these two requirements.¹⁹⁵ According to GTE, it will advise its employees of the Commission's requirements, and will establish internal processes to ensure compliance. In addition, GTE asserts that it will disclose network information through company newsletters, which will be issued to comply with network disclosure timing requirements, and be targeted to industry participants that have expressed an interest in obtaining such information.¹⁹⁶ We find that GTE has provided adequate assurances that it will comply with network disclosure requirements. Accordingly, we approve this aspect of GTE's ONA Plan.

IX. PROTECTION OF ESPS' PROPRIETARY INFORMATION

89. BOCs are required to report on their progress in developing, through the IILC, procedures for safeguarding an ESP's proprietary marketing and technological information while the BOC is evaluating an ESP request for a new service.¹⁹⁷

90. GTE states that its standard non-disclosure agreement, along with internal business policies designed to protect proprietary information, will adequately protect an ESP's proprietary information.¹⁹⁸ GTE says that its procedures will comply with the consensus reached by the IILC on October 17, 1990,

¹⁹³ The make/buy point occurs when the carrier decides to make or to procure from an unaffiliated entity a product whose design affects or relies on the network interface.

¹⁹⁴ Phase II Order, 2 FCC Rcd at 3087-88, paras. 107-112. If a carrier is able to introduce the service within twelve months of the make/buy point, it may make public disclosure at the make/buy point, but may not introduce the service less than six months after the public disclosure. Id. at 3092, para. 136. See GTE ONA Order, 9 FCC Rcd at 4947, para. 50.

¹⁹⁵ GTE June 7, 1995 Ex Parte Filing, Att. A at 29.

¹⁹⁶ Id.

¹⁹⁷ BOC ONA Amendment Recon. Order, 6 FCC Rcd at 7672, para. 55.

¹⁹⁸ GTE May 10, 1995 Ex Parte Filing at 5. GTE attached a copy of its standard non-disclosure agreement. Id., Attachment E.

regarding Proprietary Demand Information Protection.¹⁹⁹ We find that these nondisclosure agreement procedures are reasonable. Accordingly, we approve this aspect of GTE's ONA Plan.

X. ONA SUPPORT SERVICES

A. Provision of Billing Information

91. In the BOC ONA Order, the Commission stated that it would not require BOCs to offer billing and collection services to ESPs, because those services are incidental to communications and need not be tarified.²⁰⁰ The Commission nevertheless required BOCs to describe any services they plan to offer that would provide ESPs with information that is useful for "bill preparation such as the calling number, billing address or duration of a call."²⁰¹ GTE also must comply with these requirements.²⁰²

92. GTE says that it will provide six ONA services that may be useful to ESPs in billing customers.²⁰³ We find that GTE has provided adequate information about its billing services. Accordingly, we approve this aspect of GTE's ONA Plan.

B. Operations Support Systems

93. The Commission requires BOCs to specify the Operations Support Systems (OSS) they are able to offer ESPs now or in the near term, and to discuss their ability to offer such services in the future.²⁰⁴ In the BOC ONA Recon. Order, the Commission determined that continuing development of OSS services is important to the kinds of services ESPs can provide, and defined certain OSS

¹⁹⁹ The Proprietary Demand Information Protection determination is described in IILC Issue 013, and is included in GTE's May 10, 1995 Ex Parte Filing at Attachment E.

²⁰⁰ BOC ONA Order, 4 FCC Rcd at 59, para. 109.

²⁰¹ Id.

²⁰² GTE ONA Order, 9 FCC Rcd at 4937, para. 25 n.70.

²⁰³ GTE April 14, 1995 Ex Parte Filing at 2. The six services are: (1) Called Directory Number Billing via DID; (2) Calling Billing Number Delivery - FG B Protocol; (3) Calling Billing Number Delivery - FG D Protocol; (4) Calling Directory Number Delivery via ICLID; (5) Message Desk ("SMDI"); and (6) Call Detail Recording Reports - Packet.

²⁰⁴ BOC ONA Order, 4 FCC Rcd at 59, para. 110.

services as ONA services.²⁰⁵ The Commission recognized that permitting ESPs only indirect access to OSS functions, while allowing affiliates direct access, could result in an uneven playing field.²⁰⁶ To ensure comparably efficient access, the Commission required a BOC to provide the same access to OSS services to its affiliated enhanced service operations that the BOC provides to unaffiliated ESPs. The Commission expressly extended this requirement to GTE.²⁰⁷

94. GTE states that it currently provides the same form of access to its OSS for its enhanced services group as it does for unaffiliated ESPs.²⁰⁸ GTE states that it receives and process requests for OSS service related to BSAs and BSEs in compliance with the Commission's requirements. GTE notes that it "has yet to see any market demand for 'direct' access to OSS."²⁰⁹ It represents, however, that if it decides to provide direct access to OSS for its affiliated ESPs, or if requests for direct access from unaffiliated ESPs meet the Commission's four criteria for ONA services, GTE will develop and tariff such access in accordance with CEI principles.²¹⁰ We find that GTE has satisfied the ONA requirements relating to OSS. Accordingly, we approve this aspect of GTE's ONA Plan.

XI. CONCLUSION

95. GTE is required to implement its ONA Plan by July 4, 1995. Although we approve GTE's ONA Plan in substantial part, certain aspects of the Plan require amendment. By June 30, 1995, GTE must amend its Cost Allocation Manual to state that GTE and its affiliates will take tariffed services at tariffed rates. By July

²⁰⁵ BOC ONA Recon. Order, 5 FCC Rcd at 3087, para. 26. The Commission classified as ONA services: (1) service order entry and status; (2) trouble reporting and status; (3) diagnostics, monitoring, testing, and network reconfiguration; and (4) traffic data collection.

²⁰⁶ BOC ONA Amendment Order, 5 FCC Rcd at 3108, para. 43. The Commission clarified that orders for OSS services related to BSAs and BSEs must be received and processed in the same way for the BOC's enhanced services and for other ESPs. BOC ONA Amendment Recon. Order, 8 FCC Rcd at 98, para. 6.

²⁰⁷ GTE ONA Order at 4946-4947, para. 49.

²⁰⁸ GTE January 4, 1995 Filing at 18.

²⁰⁹ Id.

²¹⁰ Id. at 19-20 (citing BOC ONA Order, 4 FCC Rcd at 207, para. 397).

7, 1995, GTE is required to file petitions for waiver of its requirement to file federal tariffs for all of its proposed ONA services for which it has not stated that it will file the requisite federal tariffs. We also grant GTE an extension until March 30, 1996 for filing its ONA Services User Guide. We further grant GTE an extension until October 31, 1996 for reporting its installation and maintenance activities for all of the categories delineated by the Commission. Until that time, GTE must report its installation and maintenance activities pursuant to its current system for tracking such activities.

XII. ORDERING CLAUSES

96. IT IS HEREBY ORDERED, that pursuant to Sections 1, 4(i), and (j), 201, 202, 203, 205, and 218, of the Communications Act of 1934, as amended 47 U.S.C. §§ 151, 154(i), 154(j), 202, 203, 205, and 218, GTE's ONA Plan IS APPROVED IN PART AND REJECTED IN PART, subject to the conditions set forth herein.

97. IT IS FURTHER ORDERED that, by June 30, 1995, GTE must amend its Cost Allocation Manual to state that GTE and its affiliates will take tariffed services at tariffed rates

98. IT IS FURTHER ORDERED that, by July 7, 1995, GTE must file a petition for waiver of its requirement to file federal tariffs for all of its proposed ONA services for which it has not said that it will file the requisite federal tariffs.

99. IT IS FURTHER ORDERED that GTE must file its ONA User Services Guide by March 30, 1996.

100. IT IS FURTHER ORDERED that GTE must report its installation and maintenance activities for all of the categories delineated by the Commission by October 31, 1996. Until that time, GTE must report its installation and maintenance activities pursuant to its current system for tracking such activities.

FEDERAL COMMUNICATIONS COMMISSION



Kathleen M.H. Wallman
Chief, Common Carrier Bureau